

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the Matter of

Amendment of Parts 73 and 74
of the Commission's Rules to
Permit Certain Minor Changes in
Broadcast Facilities Without a
Construction Permit

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MM Docket 96-58

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COMMENTS OF COMMUNICATIONS GENERAL CORPORATION

Communications General Corporation (CGC), consulting radio engineers, hereby offers Comments in the above captioned Notice of Proposed Rule Making (NPRM). The NPRM proposes to allow certain minor changes in broadcast facilities without the prior need to obtain a construction permit (CP).

Specific Comments and Recommendations

Item 1: In paragraphs 5 and 6 of the NPRM, the Commission proposes to allow a commercial FM broadcast station to increase its effective radiated power (ERP) up to the class maximum without the need for a CP provided that certain technical conditions are met and Form 302-FM is filed promptly after the increase occurs. A human exposure to radio frequency radiation (RFR) analysis is also required.

Since the Commission is willing to accept certain ERP changes on Form 302-FM, it is only logical that height above average terrain (HAAT) changes be honored as well. Such changes

should be predicated on the combined HAAT and ERP meeting the authorized station class, that any human exposure to RF radiation (RFR) issues be properly addressed and that Federal Aviation Administration (FAA) issues are satisfied if tower extensions are involved (this can be accomplished by submitting an approved FAA Form 7460-1 along with the completed FCC Form 302-FM).

Item 2: With respect to the replacement of FM directional antennas, or "DAs", (see the proposed language for Rule Section 73.1620(a)(3) on NPRM page 17), there is no need for the FCC to require operation at reduced power until such time as Commission staff approves the Form 302-FM application. The maximum power reduction proposed is 50% (3 dB) which is insufficient for interference control, so why bother mandating a power reduction at all? On the other hand, a 50% power reduction is large enough to tarnish the good name of a broadcaster who has otherwise strived to maintain full power operation year after year.

As a case in point, one of our clients needs to alter the diameter of a pole which supports a directional FM antenna. He clearly understands the need to maintain the new measured pattern within the authorized pattern and further understands the potentially dire consequences of failing to comply with the pattern requirements (re proposed revision of FCC Rule Section 73.1690(c)). We urge the Commission to continue to trust the good character of its licensees by allowing immediate full power operation when a directional antenna is replaced, and to severely punish those few operators who fail to abide by the rules.

Item 3: In paragraph 25 of the NPRM, the FCC has proposed to codify what it indicates is a staff policy requiring that a measured composite directional antenna field pattern contain at least 85% of the area of the authorized composite directional field pattern. The proposal is flawed in that

(1) it constitutes a rule addition which is beyond the scope of this proceeding, (2) the selection of the 85% figure raises fundamental technical questions for antenna manufacturers which should properly be addressed in a separate NPRM or NOI and (3) the FCC staff letters cited in support of the 85% figure have nothing to do with the areas of field plots of composite radiation patterns. The letters deal with areas of coverage contours which is another matter entirely.

Should the Commission choose to rule on the 85% question here and now - which we believe would be a serious mistake given the misunderstanding cited above - we urge that all existing and pending patterns be grandfathered since they will not necessarily comply with whatever percentage figure and calculation methodology is ultimately adopted. While we applaud the Commission's efforts to codify staff policy, the policy in question was not accurately portrayed in the NPRM.

Item 4: The term "composite pattern" is clearly defined in Footnote 3 of the NPRM. However, the language that is proposed to be inserted into Rule Section 73.310(a) (NPRM page 15, last paragraph) is ambiguous. CGC recommends that the following wording be used as the definition of a composite pattern: "The composite pattern is the polar plot of the relative field values for 360 degrees of azimuth, where the relative field value for a particular azimuth is the larger of the horizontally and the vertically polarized values, and the overall pattern has a maximum of 1.00 relative field units."

Item 5: The Commission has proposed to revise FCC Rule Section 73.1690(b) to clearly define the instances in which a CP application is required, yet the logic behind this rewrite is missing. Subsection (b)(1) would prohibit the replacement of a rusty old tower structure without a CP. There is no need for this prohibition. Subparagraph (b)(2) would prevent a broadcaster from

moving to a neighboring tower without a CP (not that this is permitted now, but it certainly should be permitted particularly when the neighboring tower already exists). Subsection (b)(2) would also prevent the simple act of correcting tower coordinates without a CP. (We have never understood the need to file a CP application, then a license application, just to correct tower coordinates. The current two-step process actually DISCOURAGES broadcasters from coming forward with corrected data.) Subparagraph (b)(4) would force an AM broadcast station with a "hot" monitoring point and a corresponding "hot" radial to file a CP application even if the "hot" radial complies with the Standard Pattern already authorized to the station. Put simply, the proposed rewrites cited here are not progressive and in some instances are retrogressive for the broadcast industry.

Summary

The Commission should expand the trust and confidence that it has placed in the broadcast industry by allowing broadcasters to make routine and benign changes in the most expeditious manner possible, without the need for a CP. CGC applauds the Commission on its overall efforts in this proceeding, but believes that the FCC has not gone far enough and in some instances, such as the proposed 50% power reduction during DA replacements, the proposed action is more punitive than helpful.

Respectfully submitted,

A handwritten signature in black ink, reading "Robert F. Gonsett", with a long horizontal line extending to the right.

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President

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May 14, 1996